



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#10/jrw

In the Application of: Jiohn E. Sims

Docket No.: 2976-B

Serial No.: 09/769,878

Group Art Unit: 147

Filing Date: January 25, 2001

Examiner: F. M. Hamud

For: FIL-1 THETA DNAS AND POLYPEPTIDES

Commissioner for Patents
Washington, D.C. 20231

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INFORMATION DISCLOSURE STATEMENT

Dear Sir: \

Pursuant to the duty of disclosure as set forth in 37 C.F.R. §1.56 and §1.97, applicant hereby discloses published material known to him which may be material to the patentability of this invention. The published material is listed on the attached copy of Form PTO-1449. A copy of the material is enclosed for the convenience of the Examiner. It is respectfully requested that these documents be (1) fully considered by the Examiner during the course of the examination of the application, (2) listed on the "Notice of References Cited" in this application, and (3) printed on any patent issuing from this application.

Applicant submits that the claims of this application are directed to subject matter which is patentably distinct from the disclosures of the above-cited references. The above-cited documents, made of record by the applicant herein, do not render unpatentable, either alone or in combination, the claims of the subject application. As to any material supplied, applicant does not admit that it is prior art under 35 U.S.C. § 102 or 103, and specifically reserve the right to antedate any such material, as by a showing under 37 C.F.R. § 131 or by another method.

The undersigned certifies that publication listed in the attached Information Disclosure Statement was not cited in a communication from a foreign patent office in a counterpart foreign application nor, to his knowledge after making reasonable inquiry, known to any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

The above-cited references are submitted under §1.97(c) and accompanied by the fee of \$180 as set forth in §1.17(p). The Commissioner is authorized to charge the \$180 fee and any other fees which may be required to Deposit Account No. 09-0089. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date indicated below.

Date: February 24, 2003

Signed Elizabeth M. McCarthy
Elizabeth M. McCarthy